IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7935 OF 2004

Harish K.Shah & Ors. .. Petitioner.
Vs.
The Recovery Officer,
DRT III & Ors. .. Respondents.

Mr.Rajiv Patil for the petitioners.
Ms.J.M. Sidhwa for respondent no.2.
Ms.Sowmya Srikrishna for respondent no.3.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2004

P.C.:

. Mr.Patil, learned counsel for the petitioners, Ms.Sidhwa, learned counsel for respondent no.2 and Ms.Srikrishna, learned counsel for respondent no.3.

2. Ms.Sidhwa, learned counsel for respondent no.2 submits that there is an appeal provided under section 20 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 against the order impugned in the present writ petition and the petitioners have approached this court directly without exhausting the said remedy. Having confronted with this, Mr.Patil, learned counsel for

the petitioners submits that the petitioners be given liberty to approach the appellate authority within one week from today and till then auction of Flat No.303 housed on the 3rd Floor of Sagar Deep Darshan Co-op. Hsg. Soc. Ltd., S.V.Road, Borivili (W), Mumbai 400 092 be not confirmed. Ms.Sidhwa, learned counsel for respondent no.2 and Ms.Srikrishna, learned counsel for respondent no.3 state that they shall inform respondent no.1 - Recovery Officer not to confirm auction sale till 12.10.2004. Their statements are accepted. The Recovery Officer, accordingly, shall not confirm the auction sale till 12.10.2004. It is open for the petitioners to file appeal within one week from today and apply for appropriate reliefs on or before 12.10.2004. While passing this order I shall not be understood to have examined the merits of the case. The petition is disposed of.

(D.B.Bhosale, J.)